

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-19330 - APPLICANT/OWNER: CARLOS AVE MARIA**

---

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-18923), and Special Use Permit (SUP-18774) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 03/28/07 and building elevations, date stamped 01/22/07.
4. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a zero-foot perimeter landscape buffer along the east and a portion of the west side yards where eight feet is required.
5. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a four foot perimeter landscape buffer along the front yard where 15 feet is required.
6. A Waiver from Title 19.12.040B Landscape, Wall and Buffer Standards is hereby approved to allow 13 trees where 34 trees are required
7. A Waiver from Title 19.10.010 J11 Parking, Loading, and Traffic Standards is hereby approved, to allow zero parking lot finger where two parking lot fingers are required.
8. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the following changes. The trash enclosure shall be located a minimum of 50 feet from any property line of a protected property in accordance with 19.08.060G. The two accessory structures located in the undeveloped rear yard shall be located eight feet from the side yard setback in accordance with Title 19.08 setback standards for accessory structures.

9. This applicant shall pave the rear yard to be in conformance with material acceptable to the Clark County Air Quality management office.
10. The applicant shall remove the gate on the rear property line, replacing and enclosing it with material matching the existing block wall.
11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
12. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
17. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

19. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing this site from Vegas Drive.
20. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Meet with the Flood Control Section of the Department of Public Works for assistance with drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
22. Site development to comply with all applicable conditions of approval for ZON-18773 and all other site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a 1,548 square-foot office development with a Waiver to allow no east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line where 15 feet is required on 0.61 acres.

The northern half is undeveloped with two storage containers located approximately 130 feet from the north property line. A condition has been added to move the containers eight feet from the side setback to meet Title 19.08 setback standards for accessory structures.

Although the proposed use would be compatible with others in the immediate area, the multiple deviations from standards indicate that the applicant is intending to overbuild the site. Therefore, denial is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items GPA-18776; ZON-18773; SUP-18774 concurrently with this application.  The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #24/jm).
<b><i>Related Building Permits/Business Licenses</i></b>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<b><i>Pre-Application Meeting</i></b>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

<b><i>Neighborhood Meeting</i></b>	
01/02/07	<p>A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following:</p> <ul style="list-style-type: none"> <li>• Wall</li> <li>• Access to Marietta</li> <li>• Chemical storage</li> <li>• The storage of heavy equipment would only be vans</li> <li>• Hours of operation are 7:00 AM to 5:00 PM, 10 employees</li> <li>• Trailers to be removed and no on-site manufacturing.</li> </ul>
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.61

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	Y
A-O Airport Overlay District (105 feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 10 Feet NA 20 Feet	37 Feet 10 Feet  192 Feet	Y
Max. Lot Coverage	50%	5.8%	Y
Max. Building Height	NA	13 Feet	Y
Trash Enclosure	Yes	25 Feet	N*
Mech. Equipment	Yes, screened	Yes	Y

*\*A condition has been added to bring this standard to code.*

*Pursuant to Title 19.12, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ 6 Spaces	2 Trees	Zero Trees	N*
Buffer:				
Min. Trees	1 Trees/20 Linear Feet	34 Trees	13 Trees	N*
<b>TOTAL</b>		36 Trees	13 Trees	N*
Min. Zone Width (Right-of-way) Front Yard	15 Feet		4 Feet	N*
Min. Zone Width (Right-of-way) Rear Yard	15 Feet		15 Feet	Y
Min. Zone Width (Interior)	8 Feet		Zero Feet	N*
Wall Height	8 Feet		8 Feet	Y

*\*Waivers have been requested.*

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Building Maintenance Service and Sales Establishment	1,548 SF	1/300 GFA	5	1	13	1	Y
TOTAL			6		14		Y

(For Landscaping or Special Use Permits)

<b><i>Waivers</i></b>		
<b><i>Request</i></b>	<b><i>Requirement</i></b>	<b><i>Staff Recommendation</i></b>
Waiver to allow no perimeter landscape buffers along the east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line.	15 Feet	Denial
Zero Parking Lot Landscape Fingers	1 per 6 parking spaces	Denial

## ANALYSIS

- Zoning

The applicant has requested a Rezoning (ZON-18733) to a C-1 (Limited Commercial) District. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. In addition, the applicant has requested a General Plan Amendment (GPA-18776) to SC (Service Commercial).

The site does accommodate the development standards of the Limited Commercial District. Additionally, the proposed Building Maintenance Service and Sales use in a C-1 (Limited Commercial District) requires a Special Use Permit (SUP-18774).

The property gains access from Vegas Drive, an 80-foot Secondary Collector, which is an adequate thoroughfare for the commercial zone requested.

- Site Plan

The site plan shows an existing 1,548 square-foot office building. The building is situated in the south end of the 0.61 acre parcel. Of the 0.61 acre parcel approximately half of the parcel is paved and developed.

The northern half is undeveloped with two storage containers located approximately 130 feet from the north property line. The larger container is 29 feet long and nine feet wide, while the smaller container is 20 feet long and eight feet wide. The height of the containers was not submitted as part of the elevations plans; however, pictures submitted and a site visit by staff confirm that the containers height does not exceed the main structure per Title 19.08. A condition has been added to move the containers eight feet from the side setback to meet Title 19.08 setback standards for accessory structures.

The parking is located on the southern half of the parcel gaining access from Vegas Drive, an 80-foot Secondary Collector. A gate partitions the south side of the development from the north side. A condition has been added to eliminate this gate denying access from the south property onto the north.

- Waivers

The applicant has requested a Waiver of perimeter landscaping requirements. The applicant provides no perimeter landscaping on the east property line and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line where 15 feet is required. Additionally the applicant is providing less than the required number of trees along the perimeter of the site. Staff recommends denial of this waiver as the provision of trees would buffer the commercial development from the adjacent residential uses and contribute aesthetically to the area.

- Landscape Plan

The landscape plan shows a fair amount of landscaping in the front and rear yard area; however, the applicant provides a portion of landscaping on the west property line and no landscaping on the east property line. The applicant has requested a Waiver of perimeter landscaping requirements. There are trees along the west side, spaced between 20 to 30 feet on center.



- Elevation

Elevations depict a structure that is 13 feet tall. The building is very basic with little architectural embellishment.

- Floor Plan

The layout is a typical office establishment with five rooms designated for offices.

## FINDINGS

The following findings must be made for an SDR:

**1. The proposed development is compatible with adjacent development and development in the area;**

Although the proposed use would be compatible with others in the immediate area, the multiple deviations from standards indicate that the applicant is intending to overbuild the site. Therefore, denial is recommended.

**2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development does not meet many of the requirements of Title 19. Deviations include issues related to lack of a trash enclosure and perimeter landscaping requirements. The large number of deviations is an indication that the development is too intense for this location; therefore, denial of this request is recommended.

**3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site gains access to Vegas Drive, an 80-foot secondary collector. For the northern half of the site, a condition has been added that states that the applicant shall pave the rear yard to be in conformance with material acceptable to the Clark County Air Quality management office.

**4. Building and landscape materials are appropriate for the area and for the City;**

Building and landscape materials are appropriate for the area and the City of Las Vegas.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building and landscape materials are appropriate for the area and the City of Las Vegas.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Elevations and design characteristics are not unsightly and are harmonious and compatible with development in the vicinity.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      4

**NOTICES MAILED**      370 by Planning Department

**APPROVALS**      0

**PROTESTS**      0